

SPEECH

OF

HON. J. D. CUMMINS, OF OHIO,

1791-1849

ON

THE OREGON QUESTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, SATURDAY, FEBRUARY 7, 1846.

WASHINGTON:

PRINTED AT THE OFFICE OF BLAIR AND RIVES.

1846.

2438

JOHN J. D. CUMMINGS, OF OHIO

THE HOUSE OF REPRESENTATIVES

Digitized by the Internet Archive
in 2018 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

1870-1871

THE HOUSE OF REPRESENTATIVES

JOHN J. D. CUMMINGS

OF OHIO

1870-1871

THE OREGON QUESTION.

The Resolution for terminating the joint occupancy of Oregon being under consideration in Committee of the Whole House—

Mr. CUMMINS addressed the committee as follows:

Mr. CHAIRMAN: The resolution reported by the Committee on Foreign Relations, and now under consideration, involves one very plain and distinct proposition: Shall we, or shall we not, give to Great Britain the twelve months' notice, provided for by the 2d article of the convention of 1827, to terminate the joint use of the two countries in the Oregon territory? The right to give this notice is not denied; it is a part of the convention itself; but the policy and expediency of giving it now, and the form in which it shall be given, if given at all, constitute the grounds of the present discussion and differences of opinion.

The wide range which has been given to this debate, and the momentous consequences which have been so fearfully and eloquently predicted and portrayed by gentlemen who oppose the resolution, if we can believe them to be sincere in what they say, should at least admonish the friends of this measure to give to it that careful and candid consideration which its importance demands, before it is adopted. If the giving of this notice will lead to an equitable and final adjustment of the rights and claims of the two Governments in Oregon, and the establishment of their territorial boundaries there—as I hope and believe it will—then, sir, the sooner it is given, the better. Most questions discussed and passed upon in this Chamber,

are of a domestic character, affecting only the rights and interests of our own people. They are also of a temporary character, for the acts of one Congress can be altered or repealed by the next, as the friends of this or that course of policy may be in power. Not so with Oregon. It is strictly a national question, between two separate and independent sovereignties; it is a territorial question, and therefore pre-eminent and lasting in its nature; for, sir, the lines once run, the stakes driven, and the monuments erected there, they must unalterably remain as the landmarks of division between the Republic and the Monarchy, the citizen and the subject, the hereditary sceptre and the ballot-box.

Mr. Chairman, the remarks which I shall make on this subject will, in part, be in reply to the arguments of the gentleman from South Carolina, [Mr. HOLMES,] who appears to me to be the standard-bearer of the opposition, and the defender of the faith of "*masterly inactivity*" in this end of the Capitol. In my judgment, he has assumed as bold, strong, and untenable grounds in favor of the claims and pretensions of Britain, and against the rights of the United States in Oregon, as has the British Ministry, or any of her diplomatic agents or political journals assumed, since this question first came under discussion between the two Governments. In his argument, that gentleman propounds important inquiries: Where is Oregon?—What is it?—Of what value is it to us? I do not suppose that the gentleman is a disciple of Diogenes, and now for the first time has emerged from his philosophic

tub, to behold and contemplate Oregon. No, sir. Oregon is to him an old, and, as would now appear, an unwelcome acquaintance.

But, sir, where is Oregon, and what is it? Oregon is that part of the North American continent which lies between the Mexican line, on the 42d parallel of north latitude, and the Russian line, on the parallel of 54° 40' north latitude. It is bounded on the west by the Pacific ocean, and on the east by the Rocky Mountains—upon which line it is, the greater part of the way, coterminous with the other territories of the United States. It embraces about nine hundred miles of the western coast of this continent bordering on the Pacific ocean, is of an average width of about six hundred miles, and contains about four hundred thousand square miles of territory. In extent, it embraces more territory than the "Old Thirteen States" on the Atlantic slope. Its climate is much milder, and more genial than the climate in the same latitude on the Atlantic; its soil is fertile, its streams pure, its forests are abundantly supplied with the choicest timber; and, in short, it possesses the elements of a great and valuable country. If we do our duty in preserving and maintaining our just rights there, Oregon is destined to be the home of millions of happy and prosperous freemen, whose labors will be rewarded by the exuberant fertility of its valleys, and whose flocks and herds will feed upon its thousand hills. As a means of our military defence, it is a tower of strength, both by land and sea. It skirts one whole front of this Republic, and hems us in on the west, and entirely shuts us out from the Pacific. It furnishes abundant supplies of timber, of which to construct navies, and great, capacious, and safe bays and harbors, in which they can float in safety. To any country possessing skill, industry, and enterprise, the possession of Oregon will give the military and marine control and supremacy of the Pacific ocean and its islands, of China, the East Indies, and the western coast of South America.

Should Oregon fall into the hands of Britain, what security would you have on your western frontier? What would become of your extensive and valuable whale fisheries in the Pacific? What would become of your China trade, now so prosperously carried on, and yearly increasing? How would you resist the military control that Britain would necessarily exercise over Mexico, California, Guatemala, Chili, Peru, the whole western coast of South America, the South Sea islands, and the Indian tribes? Sir, you would be compelled to abandon the whole to her dominion and power. But, sir, of what value is Oregon to us in a commercial point of view? In my judgment, it is more important to our commercial interests than any acquisition we have ever heretofore made or can ever hereafter make. There is not now any maritime nation in the successful possession or enjoyment of any part of the Pacific coast from Bhering's Straits to the Cape of Good Hope. The whole remains yet comparatively unoccupied and open to the first nation that may secure it. Look upon your maps, and what is our position with reference to that quarter of the globe? This continent lies between the Atlantic and Pacific oceans: it lies nearly equidistant and in the direct route between the continent

of Europe and Asia; and across this continent at the same point must and will ere long be carried the trade and merchandise passing between Europe and Asia. Let us, then, secure our just rights in Oregon, and our territory will extend across this continent from sea to sea: on the east within three thousand miles of Europe, on the west within four thousand miles of Asia. We have now the command of the coast on the Gulf of Mexico, the Atlantic from the Rio Grande to the St. John's, a distance of more than twelve hundred miles. By rivers and lakes we have water communication along our northern and northeastern borders for twelve hundred miles. Oregon will give us the command of nine hundred miles of the Pacific coasts, and will enable us to command the commerce of that ocean.

Let Government but do its duty, let it quiet our title to Oregon, and extend our laws and jurisdiction over that country for the protection of our settlers there, and the industry and energy of the pioneers who will make their homes in the Columbia valley will do the rest; they will subdue the forests and convert them into harvest fields; they will dot the face of the country with thriving towns and villages, and the waters of the streams of Oregon will propel the machinery of our ingenious and enterprising artisans and manufacturers. The enterprise of our merchants will build up commercial cities on the magnificent, deep, and safe harbors on the Pacific coast north of the mouth of the Columbia, in which their ships and steamers, to an almost indefinite extent, can float in the greatest security.

How long will it be before the commerce of the Atlantic and the Pacific will be connected across the continent by the avenues of trade? How long will it be before the iron arms of railroads will stretch from sea to sea? I have no doubt but there are thousands now living who will witness the consummation of that magnificent project. Sir, it is practicable, and the magnitude of the interests dependant upon it are too great to be permitted to lie dormant. The distance across this continent is variously estimated at from seventeen hundred to two thousand miles: take the greatest distance, and add to it one thousand miles for curvatures and deviations of a railroad, and you have a distance of three thousand miles. Cannot that distance be overcome? Why, sir, there are now in the United States, completed and in successful operation, over four thousand miles of railroad, and as much more projected, and large portions of it in an advanced state of completion. Do gentlemen doubt this? The history of the past progress of our country must remove all doubt on that subject. At the treaty of peace in 1783, when our national independence was acknowledged and peace restored, what was our condition? This Government was then feeble, its means exhausted, without commerce and almost without internal resources, and with a population of about three millions. What is it now? What has it grown to be in sixty-three years? Its population is now about twenty millions. Its commercial marine is fully equal to that of Great Britain, and more than double that of all the other commercial Governments of Europe. For statistics, I avail myself of the compilation of another, which is said to be correct: and

what does it show? Foreign tonnage of England, 2,420,000 tons; of the United States, 2,417,000 tons, leaving out the tonnage of our lakes and rivers. What is the commercial tonnage of other European Governments? France has 625,000 tons; Russia, 239,000 tons; Denmark, 95,375; Holland, 214,284; Sweden, 118,025; Turkey, 1,902, amounting in all to 1,293,586, or about one-half of that of the United States. What, sir, was the commerce of the Mississippi and its tributaries only forty years ago? It was unknown to the world. A few canoes and keel-boats were paddled and poled along its shores. What is it now? Hundreds of floating palaces bear upon its bosom more than \$200,000,000 worth of commercial commodities annually. What was the commerce of your lakes forty years ago? A few Indian traders along the shores. What is it now? You have upon Lakes Erie and Michigan alone four hundred commercial vessels, with a tonnage of 80,000 tons, carrying annually a commerce of the value of \$4,500,000, and in progress of construction thirty-four vessels more; of which ten are steamers of the first class. These are the avenues through which the agricultural products of the Western valley pass to market.

If this, sir, has been our progress in sixty-three years, starting from a state of comparative imbecility, and with but one sea open to us, what will it be with the trade of the Pacific opened to us, with our present means of advancement, in the next quarter of a century to come? That country, where solitude now reigns almost unbroken save by the sighing of the winds, the whoop of the savage, the crack of the hunter's rifle, or the dashing of the Pacific waves upon its shores, will then have become the home of civilized men. From its ports and harbors will go forth a commercial marine, whose sails will whiten every wave, and whose majestic steamers will ride triumphant on the tranquil bosom of that great ocean. We cannot expect that the trade commanded by that ocean will be yielded without a struggle by adverse Powers. Full well does Great Britain understand the military strength and commercial importance of Oregon. She will not yield it, right or wrong, to her natural rival, so long as she can by any means retain it or any part of it. Why has she so long and obstinately persevered in the assertion of her unfounded pretensions to the whole of the country north of the Columbia, and to a joint right to the use of that river? The reason is obvious. There is not a good harbor south of the Columbia, and navigation at the mouth of that stream is rendered unsafe and dangerous by bars, shoals, and currents. All the good harbors lie north of the Columbia. Yield her that claim, and it is all that she wants. She will then have secured to herself the strong places of the country, and rendered the balance of it comparatively valueless to us. Our products could not then reach the ocean safely, except through British ports in a British province, and subject to be incumbered or prohibited by such duties as she may impose.

With Oregon improved, and connected by railroads with the Atlantic, we will furnish to the world the great desideratum so long sought for by commercial nations—a direct communication from Europe to Asia; and we will then be brought in close communication with the commerce of China, the East Indies, the west coast of South America,

and the Pacific isles. Can Britain sail 24,000 miles around Cape Horn, or 27,000 around the Cape of Good Hope, and successfully compete with us in that trade which we can reach from the western coast, by steam vessels, in 4000? Her voyage will require some eight months; ours, scarcely so many weeks. Who then will have the carrying trade? Britain will be compelled either to open a passage across the Isthmus of Darien, trade through our works, permit us to have the carrying trade or be driven from the market. Sir, that ocean gem of India trade has been acquired and enjoyed by each commercial nation, successively, from the earliest ages of the world. Carthage, Greece, Rome, Venice, Pisa, Genoa, Portugal, Holland, have each, in their turn, enjoyed it. England now has it. Our destiny now offers it to us. Will we accept it? Will we adopt and carry out such just and prudent measures of policy as will secure to us this great and valuable field for commercial enterprise? This leads us to the consideration of another branch of this subject.

The next question which presents itself to our consideration is: to whom does Oregon, in whole or in part, belong? To the United States or to Great Britain? What are our rights in, and our title to, Oregon? And what are the pretensions and claims of Great Britain to the same? By what evidence are the rights, claims, and pretensions of the parties, respectively, supported or proved? And here again I must quote from the speech of the gentleman from South Carolina, [Mr. HOLMES,] who says: "I deny, in toto, any right, any claim 'to that territory, or to any part or parcel thereof, that does not apply with equal force and efficiency to the power of Great Britain; and if I do 'not, by as fair reasoning as I can bring, demonstrate this position, I am willing to give up now 'and forever any claim to logical powers.'" This makes the issue between the parties, and presents the British view of the question, in substance, and almost in the same words, in which it was presented by Messrs. Hopkins and Addington, British Plenipotentiaries, on the 16th day of December, 1826, when negotiating upon, and discussing, the British title to Oregon, with the proper authorities of the United States. They say: "Great Britain 'claims no exclusive sovereignty over any portion 'of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a 'right of joint occupancy in common with other 'States, leaving the right of exclusive sovereignty 'in abeyance.'" Every British Minister and diplomatist, from that time to the present, has contended for the same position, that she had a joint right with the United States to the whole of Oregon, but that neither Government had a separate right to any part thereof. To this proposition I cannot yield my assent. It is not my purpose, however, to argue the title to the whole of Oregon—time will not permit, nor is it necessary for my present purpose. I propose, however, to show that we have a clear, perfect, and unencumbered title to the soil and sovereignty of a part of Oregon. If I succeed, by fair and legitimate proofs and arguments, in doing so, I shall have met and overthrown the position of the gentleman from South Carolina, and, with it, the position assumed by Britain, for they are identical.

For the purposes of my argument, I select that part of the Oregon territory which lies south of Nootka Sound: that is, so much thereof as lies between the Mexican line at the 42d parallel of latitude and Nootka, which is in latitude $49^{\circ} 33'$, being $7^{\circ} 33'$, or about five hundred miles along the Pacific coast. Mr. Chairman, that we may have a clear and distinct view of the question, allow me to premise, by stating the fact, that up to the year 1803, there were five several sovereign and independent Governments which claimed to have rights and interests in Oregon; to wit: France, Spain, Russia, Great Britain, and the United States. The claimants are now reduced to the two last named. How, when, and by whom, the rights of France, Spain, and Russia were extinguished, and who became possessed of them, I shall show in the progress of my remarks.

Our title to Oregon is of two kinds—first, that which we have in our right, by discovery, exploration, and settlement; and secondly, that which we have by purchase from other Governments, by which we have consolidated in the United States all the outstanding claims to Oregon, except the pretensions to title by Britain, the present adverse claimant. I shall speak first of our French title. And what is it? After the discovery of this continent by Columbus, in 1492, Great Britain and France both acquired territorial rights, and planted colonies upon it. The British possessions were on the Atlantic coast, now composing a part of the States of this Confederacy, extending by their charters from sea to sea, and upon Hudson's Bay. The French possessions were upon the Mississippi and in Canada, also extending indefinitely west and northwest.

These claims necessarily conflicted. In 1714, France and England concluded a treaty of peace at Utrecht, which terminated the war then raging between them, and settled all their differences in Europe and America. By the tenth article of that treaty, it was agreed that commissioners should be appointed to run and establish a division line between their territorial possessions in North America. Commissioners were appointed, who established that line—commencing on the coast of Labrador, and running southwest to the Lake of the Woods, upon the 49th parallel of latitude, and thence extending west along that parallel indefinitely, which of course extends to the Pacific ocean. This line divided the territories occupied by the Hudson's Bay Company on the north from the Canadas, and the Mississippi and Louisiana possessions of France on the south; and so far as these Governments were concerned, established a line of separation between them, giving to France all Britain's claims south, and to Britain all France's claim north, of 49° ; south of which line Great Britain could not go, or acquire any territorial rights, after that time, without the consent of France, nor could France acquire any territorial rights north of it, without Britain's consent. On the 22d day of February, 1803, a treaty was concluded between the United States and France, by which, for a valuable consideration, France sold and ceded to the United States all her Mississippi and Louisiana possessions, upon this or the other side of the Rocky Mountains, and also made us a party to the tenth article of the treaty of Utrecht, so far as this terri-

tory is concerned. The 49th parallel became the same to us, as against the claims of Britain, as it had before that time been to France. Great Britain does not pretend to have had any valid claims west of the Rocky mountains in 1714; she could acquire none south of 49° after that, as against France, until 1803, when we purchased, nor since that time, as against the United States, as the purchasers of French rights. This treaty, independent of territorial rights acquired by it of France, might successfully be plead in bar to any British claims south of 49° , and would therefore establish the position assumed, that we have a clear, unencumbered, and indisputable title to so much of Oregon as is south of 49° . But, Mr. Chairman, I fixed my point at Nootka, a little north of 49° , to which I propose to examine our title. And for that purpose I shall next consider our Spanish title. And what, sir, is that title? Spain was no party to the tenth article of the treaty of Utrecht, and was not therefore affected or bound by it.

On the 22d day of February, 1819, a treaty was made at Washington between the United States and Spain, by which the King of Spain "sold and ceded to the United States all Spanish rights and pretensions east and north of the 42d parallel of north latitude, and for himself, his heirs, and successors, he renounced all claim to said territories forever." This treaty of purchase fixed the 42d parallel of latitude as the northern boundary of Spanish, now Mexican, and the southern boundary of the United States territory, and gave to the United States all Spain's rights in Oregon, and on the Pacific north of the 42d degree of latitude. What were the rights of Spain thus sold and transferred to the United States? I will briefly state them. Shortly after the discovery of this continent, in 1492, Cortez, for Spain, conquered Mexico, and Spain established her Government there under a viceroyalty. When nothing more remained in Mexico for Spanish conquest, she began to extend her search and explorations northward along the Pacific coast for new countries to conquer and settle. I shall pass over many of the earlier and more obscure discoveries of Spain on the Pacific coast, and mention those only which are well defined, and upon which title can be predicated, and from which territorial rights can be derived.

In 1542, Cabrillo was sent, with two vessels, by the viceroy of Mexico, with instructions to explore the coast northward, as far as possible, in search of new countries. This expedition continued its explorations about one year; Cabrillo died on the voyage, and the command devolved upon Ferello, who examined the coast as far north as the 43d parallel. In 1592, the viceroy of Mexico, still intent on northern discoveries, sent Juan de Fuca, a distinguished navigator, to explore the northwest coast and to discover the Straits of Annian, (now Fuca,) which were supposed to connect the Pacific with the Atlantic ocean. He sailed north until he reached a point between the 48th and 49th parallels of latitude, when he came into a large inlet of the sea, in which he sailed, making explorations, as he says, for twenty days. This was the Strait of Fuca, which yet bears the name of that navigator, who, beyond all doubt, first discovered the existence and entrance to that strait. In 1603,

Vizcaino, a Spanish navigator, carefully surveyed the coast of California to the 37th parallel. In 1774 Perez was despatched by the viceroy of Mexico on an exploring expedition to the north, with instructions to proceed to the 60th degree of north latitude, and to explore the coast south to Monterey, in the 37th degree, and to take possession of the country in the name of the King of Spain. He sailed north to the 54th degree of latitude, and on his return south along the coast, in latitude $49^{\circ} 33'$, he entered a capacious bay, and remained there, trading with the natives, for some time. This bay is now called Nootka Sound, and Perez was the first navigator who ever saw or discovered this sound, and at that time he took possession of it in the name of his sovereign.

In 1775, Bruno Heceta, in the service of Spain, was sent north on an exploring expedition in command of the ship *Santiago*, with instructions to examine the coast to the 65th parallel of latitude. On his northward voyage he landed at various places, and took possession in the name of his King, and erected crosses with inscriptions stating that he had visited the places and taken possession of the same in the name of his sovereign, which were found by Vancouver, a British navigator, when he afterwards visited the same places. Heceta sailed north to the 50th parallel, and landed on Quadra and Vancouver's Island, and examined the coast of the continent from the 48th parallel south, and discovered the current issuing from the mouth of the Columbia river, but did not enter it by reason of the rapid current, which drove him back.

In the same year, Señors Quadra and Maurelle, who had sailed in company with Heceta, on board the schooner *Santiago* visited the coast as far north as the 58th parallel, and then explored the coast southward to California. In 1789, Martinez and Hero, two Spanish commanders, were despatched by Mexico, in command of two vessels armed and equipped, with orders to take possession of Nootka for Spain, and to erect and arm a fort, and make a settlement there in the name of the King of Spain. On the 6th May, 1789, Martinez entered the sound, found it entirely unoccupied, as Perez had left it in 1784; possession was taken, a fort erected, armed, and a settlement made, and the Spanish flag floated there until 1795.

At this time Russia had six settlements on the Pacific coast, and French ships had also visited that coast. At this time, also, Spain claimed the sole and exclusive sovereignty of the Pacific coast. This claim was too broad to be admitted to the full extent it was made; but it cannot well be doubted but, at that time, Spain's claim was good against any pretensions of Great Britain in that country.

Had Spain, in any manner, before the treaty of 1819, by which we acquired her title to Oregon, impaired that title? It is not claimed by Britain that she had, except by the Nootka convention of 1790, of which I shall have occasion to speak hereafter. It is not pretended that we have impaired that title since we acquired it from Spain. This is our Spanish title, which yet stands unimpaired, and which can with great force be carried much higher up the coast than it is necessary for my present purpose to carry it.

I shall next proceed to present the title we have in our own proper right, by discovery, exploration, and settlement.

In 1787, Captains Gray and Kendrick, of Boston, sailed from that place for the North Pacific; the former commanding the American ship *Washington*, the latter the *Columbia*. In 1788 they landed at Nootka. In 1789, Gray, amongst their discoveries and explorations, explored the whole east coast of Queen Charlotte's Island; also entered and sailed fifty miles through the Straits of Fuca; he being the first navigator who had entered beyond the mouth of said straits or sailed in the same. In the fall of 1790, Gray and Kendrick exchanged vessels, and Gray thereafter commanded the *Columbia*, upon which vessel he proceeded to China, and from thence to Boston. Kendrick remained in the Pacific, and shortly after sailed entirely through the Straits of Fuca, and in 1791 purchased from the Indian chiefs at Nootka several large tracts of land, and took deeds for the same. In 1793 he was accidentally killed at Owyhee. In 1791 Gray again arrived on the Pacific coast, and during that year examined many of the inlets and passages between the 54th and 56th parallels of latitude.

On the 7th May, 1792, Captain Gray discovered, entered, and landed in Bulfinch's Harbor, in latitude $46^{\circ} 58'$, and remained three days trading with the natives. On the 11th of the same month he discovered, entered, and sailed some twenty or twenty-five miles up the Columbia river, where he remained for several days, trading with the natives. Captain Gray was the first navigator who discovered and navigated that river, and upon leaving, he gave it the name of his ship, (*Columbia*), which it yet bears.

He afterwards communicated to Vancouver and Quadra his discoveries of Bulfinch's Harbor and the Columbia river, which was the first knowledge they had of them, and left with Quadra, at Nootka, charts of the same.

In 1804 an expedition was fitted out under the Administration of President Jefferson, to explore the principal branches of the Missouri river to their source, and then to cross the Rocky Mountains and trace to the Pacific some stream that would afford the most direct water communication across the continent. Captains Lewis and Clarke were commissioned to conduct this expedition. On the 15th November, 1805, they landed on the coast of the Pacific, having traced the waters of the Columbia from its source in the mountains to its termination at the Pacific ocean. They took possession of the country, encamped near the mouth of the Columbia, and remained there until the 23d March, 1806, when they returned up the Columbia in canoes, as far as Kooskook river, exploring its shores, and noting the large tributary streams which flow into the Columbia. In 1811, John Jacob Astor, of New York, entered the Columbia, sailed up it about ten miles, and built Fort Astoria, which he occupied until 1813, when, during the last war, it fell into the hands of Great Britain. Its restoration was provided for in 1814, at the treaty of Ghent; and on the 6th day of October, 1818, by a written order of the British Government, the possession of Astoria was formally restored, and delivered by the agent of that Government to an agent of the United States; the cross of St. George

was lowered, and the stripes and stars floated again over Astoria. This is our American title. Does it give to us the exclusive sovereignty and right of soil in the Columbia valley? By international law, a Government can acquire title, in an unoccupied country, by discovery, if it be followed up in a reasonable time by exploration and settlement. Have we brought ourselves within this rule? Gray discovered in 1792; Lewis and Clarke explored in 1805; Astor founded a settlement in 1811. Do not these events follow in a reasonable time after each other, the remoteness and difficulty of access of the country considered? Can Great Britain show as good a title to the valley of the Columbia? Sir, if she can, she has not done so. What, sir, is the extent of the valley of the Columbia? The head waters of its southeast branches reach the Mexican line in latitude 42° ; the northwestern branches stretch to $54^{\circ} 40'$. But this carries the argument further than I proposed, having proposed to argue the title as far as the Nootka only. To this I will add the title of contiguity. Oregon lies coterminous with the whole western frontier of the United States; it lies between us and the Pacific ocean. It hems us in on the entire western frontier of the Republic. It is highly important to us for agricultural and commercial purposes. It is almost indispensable to us for our national defence and safety. From Britain, the other claimant, it is remote. She can desire it only for national aggrandizement and the pride of empire. She needs it not for the national safety or national existence. If these facts bring us within the principles of title "by contiguity," as recognised by international law, then upon that principle we claim it. Allow me, sir, to add one other evidence of title to Oregon; I introduce it by way of plea in bar to Great Britain. In the sixteenth century Great Britain, by charters, granted to the colonies of Virginia and Massachusetts all lands lying between certain parallels of latitude across this continent, "from sea to sea." All the territorial rights which Britain then had, rested in the colonies between the limits mentioned from the Atlantic to the Pacific. These chartered limits embrace all, or nearly all, of Oregon. In 1776, these colonies were rebels; in 1783, they were victors, treating on terms of national independence and national equality with their former sovereign. By the treaty of 1783, Britain acknowledged their independence, and left them in the full and peaceable enjoyment of all the territorial rights, as granted to the colonies by the charters, without any reservation or exception.

The colonies to which these grants were made, have since ceded all their territorial rights beyond certain limits, to the United States, where the title is now vested. The question now comes up between Britain, the grantor to the colonies, and the United States, as assignee of the colonies who were the grantees of Britain, under the hand and seal of her King. Can we not, then, successfully set up in bar of Britain's claims, the titles granted by her King, signed, sealed, and delivered, in 1609, and 1620, and by her again ratified and confirmed in 1783, against any claim she can now make? By her charters she conveyed all the rights she then had, and by the same grant she estopped herself from afterwards acquiring any further rights in the country, unless by purchase or by conquest, neither

of which she now pretends to claim. I will add, sir, one more muniment of title, and the last: it is the title of the gentleman from Illinois, "inevitable destiny." There is more in this argument, sir, than appears upon the surface. If, by political derelictions, arising either from political ambition, sectional jealousies, cupidity, avarice, party hostility, foreign attachments and foreign interests, we should lose Oregon now, by inevitable destiny it will be recovered. Sir, nations, like men, pass through infancy to the vigor of manhood, and then the decrepitude of hoary age. If we are true to ourselves and preserve our glorious Union, when our vast and fertile empire shall sustain its fifty million of freemen, the sails of our commerce whiten every wave, and our navy ride triumphant on every sea, then, sir, we will win on the battlefield what we may this day lose in the council chamber. Thus will inevitable destiny give us Oregon. Upon these five several grounds I base our rights in and title to Oregon, and leave each for himself to decide upon the force and effect of the proof adduced.

Mr. Chairman, before I proceed to state the evidence upon which Britain rests her claim and pretensions in Oregon, allow me to notice one important fact, which is now a matter of history and cannot be denied. It is this: that in all the diplomatic discussions which have taken place between the two Governments in relation to Oregon, from the treaty of Ghent in 1814, down to the year 1826, England based her claims exclusively upon the discoveries of her navigators. The Nootka convention was never named in these discussions until Mr. Rush, the American Minister, introduced it in 1826. In 1826 Britain changed ground; she abandoned her claims by discovery as the sole grounds of her title, and planted herself upon the Nootka convention. And why, sir, was this change? The reason is obvious. The discussion of this question lead the Ministers of the two Governments to trace back their claims respectively to their origin, in the log-books, daily journals, and contemporaneous writings of the several navigators upon whose discoveries the title of the claimants must stand or fall. Before this investigation the British title faded away, and its inevitable overthrow was foreseen by her statesmen; the American title grew brighter and stronger at every step. The British negotiators, to avoid defeat, in 1826 changed ground, and took shelter behind the Nootka convention, upon which the title on her side is now mainly rested.

I shall now proceed to state the claims and pretensions of Britain to Oregon, as she has made them, during the thirty years negotiation on that subject, first by discovery and exploration of her navigators, and, secondly, by virtue of the Nootka convention. In the early part of her negotiation, and whilst Great Britain predicated her claims upon discovery and exploration, she commenced with the voyage of Sir Francis Drake. Sir, what was that voyage? On the the 13th of December, 1577, Drake sailed from Plymouth, England, ostensibly for a voyage to Egypt, but really, as the sequel proved, on a predatory excursion against the Spanish settlements in America. In September, 1578, he arrived in the Pacific near the Spanish settlements there, and after plundering their towns and ships, and filling his vessel

with the spoils, in the spring of 1579, he concluded to return home. Fearing, if he sailed south by Magellan's Strait, the Spaniards would intercept him, he sailed northwest to about the 42d degree of latitude, when, by stress of weather, he was driven back to latitude 38°, when he landed in California, refitted his vessel, remained till the spring of 1580, took possession of and called the place New Albion, and in September, 1580, he arrived in England. This is the account of Drake's voyage, as given in 1589 by Francis Pretty, who was with Drake, and which is doubtless correct. He never touched the shore north of the 38th degree, which is two degrees south of our southern boundary.

England does not now rely upon Cook's voyage for title. In 1776, two centuries afterwards, the next British navigator who appeared in the Pacific was Captain James Cook, who was sent by the British Government on an exploring expedition, with instructions to take possession of such places as he might discover, which had not already been "*discovered or visited*" by other nations. After a voyage of near two years, in which he visited Van Dieman's Land, New Zealand, Friendly and Society Islands, and other places, on the 7th of March, 1788, he arrived opposite the northwest coast of America, in latitude 44°. Thence he sailed north to Nootka Sound, where he landed in April, 1778, remained there near one month, refitting his vessel, and supplying his ship with wood and water, and trading with the natives. Cook took possession of the place, named it St. George's Bay, and the cove, Friendly Cove; thence proceeded north on his voyage, but made no further discoveries in the disputed territory. Cook continued his voyage until the 16th of February, 1779, when he was killed by the natives at Owyhee, one of the Sandwich islands. England can claim nothing from his discoveries, for the reason that Perez, on the part of Spain, had "*discovered, visited,*" and taken possession of Nootka, in 1774, four years before Cook ever saw it.

In 1787, John Meares, whose acts are intimately connected with the Nootka convention, and will be mentioned hereafter, in the capacity of supercargo in a Portuguese trading ship, visited Nootka.

In 1792, Vancouver visited the Straits of Fuca. This was two hundred years after Fuca had discovered the entrance of these straits, and three years after Captain Gray had sailed into them fifty miles.

In 1787, Berkeley, then in the service of the Austrian East India Company, saw the Straits of Fuca, but did not enter them.

In 1793 Alexander McKenzie, an agent of a fur company, passed from Fort Chippewany south-west across the country, and discovered the headwaters of the river Tacuchee Teese, (now called Frazer's river,) down which he and his comrades floated in canoes two hundred miles, then left the streams, passed by land westward to the Pacific, where he arrived in July, 1793, in latitude 52° 20'. From thence he returned by land to Fort Chippewany, whence he had started, making no other discoveries. So little was known of this stream, that, up to 1812 it was believed to be a branch of the Columbia, when it was discovered to be a sep-

arate stream that emptied into the Straits of Fuca, in latitude 49°. Did Great Britain ever follow up the discoveries of any of her navigators by possession and settlement? If she did, she has never to this day furnished the world with the evidence of it. The first settlement ever made by a British subject west of the Rocky Mountains was made by McKenzie, in the year 1806, when, as an agent of the Northwest Fur Company, he established a trading post on the Tacuchee Teese, in latitude 54°. This is the British title, so far as it rests on discovery by her navigators and McKenzie, and these are all she ever made. Of all the discoveries of each nation I have given only the outline, the dates and places, when and where, and by whom they were made. Want of time compels me to omit the details.

Mr. Chairman, a careful and accurate examination, an analysis and comparison of the authentic evidences of the title of the present claimants, as the same is found in the log-books, journals, and contemporaneous writings of the several navigators and others who discovered and explored that country, will fully sustain the truth of this proposition: that the navigators of Britain never made an original discovery of any important part of the territory in dispute. That her navigators made explorations of places previously discovered and explored by Spaniards and Americans, will not be denied; but that she ever made an original discovery of importance in that territory, remains yet to be proved.

Mr. Chairman, let us next examine the Nootka convention; that being the other branch of British claims. And, sir, what is this convention? By whom was it made? And can any right or title to the sovereignty or the soil of Oregon be derived from or predicated upon it. It is a convention entered into by Spain and Britain in 1790. The circumstances that gave rise to this convention, and which are highly important to its true interpretation, are briefly these: In 1788 two trading vessels were fitted out at Macao, in China, for a trading expedition. Upon one of them, John Meares was supercargo, in the employ of a Portuguese merchant. She sailed under Portuguese colors, was commanded by a Portuguese captain, her passports and sea papers were made out in the Portuguese language, and by authority of a Portuguese colony, the vessel and cargo belonging to Juan Cavello, a Portuguese merchant. In 1788 this ship (Felice) arrived at Nootka, on her trading expedition, four years after Perez had discovered that place. Meares while there procured from Maquinna, an Indian chief, at Nootka, a grant of privilege to use a small spot of ground in Friendly Cove, upon which to construct a small trading vessel, on condition, that when he left, he (Meares) would surrender the same back to the Indians, with any buildings he might erect upon it, and for which privilege he gave the Indian chief a pair of pistols. Part of the crew of the Felice was landed at Nootka, to build the proposed craft, and Meares sailed south along the coast on a trading and exploring excursion. In July following, Meares returned to Nootka, and found there two American ships, the Washington and Columbia, before mentioned; also found his new vessel, which was called the Northwest Ame-

rica, constructed. Meares took upon his vessel the furs that had been collected, and sailed for China, and from that time to the present, John Meares has never seen Nootka Sound. The other two vessels, the *Iphigenia* and *Northwest America*, spent the following winter at the Sandwich Islands. Meares had promised to meet this vessel at Nootka in the spring of 1789, to pursue their trade.

At this time, the Spanish Government had become dissatisfied with and jealous of the frequent appearance of foreign vessels on the Pacific coast, over which she claimed to be the exclusive mistress. She therefore commenced more vigorously to prosecute her discoveries, and assert her rights. Early in the spring of 1789, in pursuance of this determination, Don Manuel de Flores, then viceroy of Mexico, fitted out and despatched two armed vessels, with the necessary implements for settling and defending Nootka. These vessels were commanded by Martinez and Hero, two Spanish navigators, who were instructed to proceed to Nootka to take possession thereof in the name of Spain, to treat with civility any British or Russian vessels that might come to Nootka; but, at all hazards, to assert and maintain the sovereignty of Spain at that place. On the 6th of May, 1789, Martinez arrived at Nootka, took possession of the place, landed his cannon, and other materials for settlement and defence. On his arrival there, he found the vessels *Iphigenia* and *Northwest America*. They had arrived on the 20th April, 1789, still sailing as Portuguese traders. He also found anchored there the two American ships, *Washington* and *Columbia*. After taking possession, he informed the commandants of the vessels lying there of his intentions and instructions. They made no objections, but appeared satisfied with what had been done. Things remained thus for about one week, when Hero arrived. Martinez then demanded an inspection of the papers of the Portuguese vessels, which was granted; and by the translation of these papers from the Portuguese language, Martinez was informed that they were instructed to take all English, Spanish, and Russian vessels that were inferior in force, and send them to Macao, to be tried as pirates. Martinez thereupon seized the *Iphigenia*, her officers and crew, and was about to send them to San Blas, a Spanish port, for trial, when the officers agreed for and on behalf of the reputed owner, Juan Cavello, that if they were released, and afterwards upon trial condemned, the condemnation-money should be paid; and accordingly they were released, and soon after left. In June, the *Northwest America* returned to Nootka, and was also immediately seized; but afterwards returned to her owners. It afterwards turned out that these vessels, although sailing under Portuguese colors, were the property of John Meares and his associates, British merchants trading at Macao; and the piratical disguise had been assumed for the purpose of defrauding the Chinese revenues. John Meares then left the coast, and arrived at Macao the same year. These merchants, with Meares at their head, fitted out another expedition, the ships *Argonaut* and *Princess Royal*, commanded by Colnott and Hudson, two English officers, and sailed under English colors. On the 2d of July,

the *Argonaut* arrived at Nootka, and found the *Princess Royal* there. Martinez demanded an inspection of their papers, which was complied with; and, upon inquiry of the intention of their expedition, was informed that they intended to erect a British fort there, hoist the British flag, and take possession. Martinez told them this could not be done, as the place was already occupied by Spain. A quarrel ensued; the Spaniard arrested the commandant, seized the ship, and sent her to San Blas for trial. She was afterwards restored by Quadra, on the ground that the British commander was ignorant of the Spanish rights. Under these circumstances, the Nootka convention originated. Information of these difficulties being communicated to the home Governments, England and Spain, a discussion of their respective rights was commenced at London and Madrid. In February, 1790, the Spanish Minister at London informed the English Government of the capture, and requested that Government to restrain her subjects from further intrusion upon the Spanish settlements; to which the British Minister replied, he would not negotiate on the subject, unless immediate restitution was made for the vessel which had been seized. This reply, with the circumstances attending it, convinced Spain that England had other designs. The Spanish Court became alarmed; and another note was addressed to the British Minister, saying that Spain would be satisfied if Britain would command her subjects to respect the rights of Spain in future.

About this time (May, 1790) John Meares, now representing himself to be a lieutenant in the British service, arrived from Macao at London, with a memorial to his Government, on behalf of himself and his associates at Macao, who were also represented as British subjects. In his memorial he set forth that four British ships, with their cargoes and crews, had been seized at Nootka by an officer commanding two Spanish ships of war, and sent to a Spanish port for trial; also, that he had been dispossessed of certain houses and tracts of land at Nootka. This information the King of England immediately communicated to Parliament, denying, at the same time, the exclusive rights of Spain to the territory in dispute, and asking for supplies to prepare for war. Negotiations were closed at London and opened at Madrid between the two Governments. Meanwhile Britain was making extensive preparations for war. She equipped two large fleets, at a cost of £4,000,000. Spain also armed. The ulterior designs of Britain to wrest from Spain some of her American possessions became manifest. The Spanish Government, to avoid difficulty, proposed to submit the whole matter to the arbitrament of any of the Kings of Europe Britain might name, and to satisfy any award that might, upon substantial proof, be made against it, provided no inferences should be drawn from this offer affecting the territorial rights of Spain in America. This proposition was accepted by Britain as to the indemnity; but coupled with the acceptance was a demand that Spain should admit that British subjects might fish on any part of the Pacific coast, and trade and settle on any unoccupied part of the American coast. The Spanish Minister proposed to admit the right to fish

and trade in the open sea, but not to settle on the coast south of the 51st degree. This proposition was rejected by the British Minister, who then proposed to divide the territory upon the parallel of 31°. This being rejected by Spain, a proposition was then made to divide by the 40th parallel, which was also promptly refused by Spain. Negotiations had now been continued about eight months, and at this point appeared to have come to an unfavorable close. All Europe had been anxiously watching the progress of this attempt at amicable settlement. France had equipped a fleet of forty-five sail. Belgium and Russia were also armed. British statesmen seeing the fearful progress of revolutionary principles on the continent, and all Europe armed, they clearly foresaw the bloody conflict which would ensue, and in which she must necessarily act her part. In this state of things, she concluded it was better to make an ally than an enemy of Spain, and that she would put off the settlement of title to the Oregon territory to some more convenient season. Accordingly the British Minister withdrew the proposition, which he had made fixing lines and boundaries of territorial divisions. Negotiations were renewed with Spain, and in a short time the Nootka convention was concluded upon, and, on the 28th October, 1790, was signed by the Plenipotentiaries of the two countries, at the Escorial, and Spain became the ally of England. This, sir, is briefly the history of the Nootka convention. The next inquiry is to determine the true intent and meaning of this treaty by the ordinary rules of construction. Of what nature is this convention? Is it commercial or territorial? What effect has it upon the ultimate territorial rights of the parties? I shall only notice so much of it as tends to form the issue I made, that our title to Oregon, south of Nootka, is absolute and clear. Our title north of that has been too often and ably argued to require any aid of mine. The first and second articles of this convention provides "that the buildings and tracts of land of which British subjects were possessed in April, 1789, shall be restored, compensation made for ships or merchandise of British subjects, which may have been seized or taken from them in 1789." The fifth article, and most material one, is as follows:

"ART. 5. It is agreed, that, as well in the places which are to be restored to the British subjects, by virtue of the first article, as in all other parts of the northwestern coasts of North America, or of the islands adjacent, situated to the north of the coast already occupied by Spain, wherever the subjects of the two Powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade, without any disturbance or molestation."

(The sixth article refers to South America.)

To execute this convention, Britain appointed Vancouver and Spain Quadra, two distinguished navigators. They met at Nootka in August, 1792, each under instructions from his Government, but neither had any description of the "lands or houses" to be restored, or any evidence that British subjects had ever been possessed or dispossessed

of any houses or lands at that place. Quadra inquired of the Indians if any lands had been sold to John Meares, and they replied there never had been. He next procured the testimony of the American captains, Gray and Ingraham, who testified that they were at Nootka in 1788, and also during all the difficulties between Martinez and the British traders in 1789; that they could converse perfectly well with the Indians, and never heard of any purchase of land having been made by Meares. Their testimony as to buildings was taken in writing, is yet extant, and is as follows:

"On the arrival of the Columbia, in the year 1788, there was a house, or rather a hut, consisting of rough posts, covered with boards, made by the Indians; but this, Captain Douglass pulled to pieces, prior to his sailing for the Sandwich Islands, the same year. The boards he took on board the Iphigenia, and the roof he gave to Captain Kendrick, which was cut up and used as firewood on board the Columbia; so that, on the arrival of Don Martinez, there was no vestige of any house remaining."—*Proofs and Illustrations to Greenhow's Oregon*, p. 415.

Vancouver procured testimony of Mr. Duffin, a British seaman, who said he was with Meares in 1788, and that, on the 17th May, 1788, he (Meares) purchased of Maquilla and Callicum, two Indians, the whole of Friendly Cove, for which he gave them some sheets of copper, and other trifling articles. Meares's own journal, pages 113-14, has the following entry:

"A present, consisting of copper, iron, and other gratifying articles, was made to the chiefs Maquilla and Callicum, who, on receiving it, took off their sea-otter garments, threw them, in the most graceful manner, at our feet, and remained, in the unattired garb of nature, on the deck."—*Voyage*, p. 113-14.

Not a word about land. And also, on page 114, the following:

"Maquilla had not only most readily consented to grant us a spot of ground in his territory, whereon a house might be built for the accommodation of the people we intended to leave there, but had promised us also his assistance in forwarding our works, and his protection of the party, who were destined to remain at Nootka during our absence. In return for this kindness, the chief was presented with a pair of pistols, which he had regarded with an eye of solicitude ever since our arrival."—*Voyage*, p. 114.

What, then, becomes of Mr. Duffin's evidence? Is it probable that Meares, in 1788, sailing as a free trader under Portuguese colors, would buy lands in the name of England? Meares's own journal contradicts Duffin, and shows that he never bought any land, but that he merely had the privilege of building a vessel on a small lot of ground. In this state of the case, Quadra very justly maintained that Meares never possessed any houses or lands at Nootka. He admitted, that by the convention, England had a joint right with Spain to make settlements and trade north of Nootka, but not south. After long negotiations, these commissioners could not agree. The case was referred back to their respective Governments, with the evidence they had taken, for further instructions; having agreed

that Nootka should in the mean time be considered a Spanish settlement, and to remain in the possession of Spain. In October, Vancouver left Nootka. In 1794, he again visited Nootka, and found Brigadier Alva, a Spanish officer, in possession and command of the place; Quadra in the mean time having died. Vancouver having received no further instructions from his Government, he returned home in 1794. There is no authentic evidence that Nootka ever passed from the possession of Spain to that of England. Belsham, a British historian, says that the Spanish flag never was struck, and that the territory was virtually abandoned by the English. What interpretation was given to the convention by British statesmen after its adoption? Let them speak for themselves. Charles James Fox, opposing the convention, says: "What did we object to before the convention but to the indefinite claims of Spanish America? That objection still remains, for the limits of Spanish America were still undefined."

"Thus we had given up all right to settle, except for temporary purposes, to the south of the Spanish settlements, or in the intervals between them, if they happened to be distant. We had obtained an admission of our right to settle to the north, and even that we had not obtained with clearness. As Spanish settlements were the only mark of limits, suppose we were to meet with one farther to the north than we expected, and a dispute were to arise, whether it was new or old, it would be some difficulty to send out our builders to decide," &c.—p. 995.

What was the reply of William Pitt, then Prime Minister of England, and the defender of the convention? He says: "Although Britain had acquired no new rights, she certainly had acquired new advantages." Thus, sir, it will be seen that Fox, Pitt, and Quadra, put upon the 5th article of that convention the same construction we now put upon it—the only true one its language will admit of: which is, that Britain had precluded herself from claiming any territorial rights situate to the south of the parts of said coast already (October, 1790) occupied by Spain, and had secured nothing but a joint right with Spain to trade in the country north of the most northerly Spanish settlements on that coast, leaving the question of sovereignty in abeyance. If, then, I have shown that there was a Spanish settlement at Nootka on the 28th day of October, 1790, that John Meares had "no tracts of land or houses" there to be surrendered, and that the possession of the Spanish fort and settlement at Nootka never passed from Spain to Britain, the conclusion must follow that our Spanish title alone is good against Britain up to that point—she, by the terms of the convention, having relinquished all territorial rights south of that place. If Great Britain had no title South of Nootka in 1790, she has none now; she has acquired none since; and we take up the question of title at this time—so far as we rely upon our Spanish title—just where Florida Blanca, the Spanish Minister, left it in 1790. On the 5th day of April, 1824, a treaty was concluded between the United States and Russia, by which the division line between their territories in Oregon was fixed at 54° 40'—

Russia on the north, and the United States on the south, of that line. Then, sir, the rights of all claimants in Oregon have been extinguished, and acquired by the United States, except that of the English; and she herself has thrice granted them away to others, from whom we have acquired them. In the sixteenth century, she granted all the rights she then had to her colonies, and confirmed the grant at the treaty of 1783. In 1714, she granted all to France south of 49°, and we now own that. In 1790, she extinguished her claims south of Nootka, acknowledging the right to be in Spain, and we now hold Spain's rights. Add to these our own title by discovery and settlement, and by explorations, contiguity, and inevitable destiny, and you have before you the American title to Oregon, which vests in the United States the absolute and exclusive title south of Nootka, and also the better title north of that point. Sir, we hold too clear and strong a title to Oregon to be bullied out of it, and too high and valuable a heritage there to be bought out.

Mr. Chairman, two things yet remain to be briefly considered; first, our conventional stipulations with England touching Oregon; and, secondly, some of the objections urged against the passage of this resolution. Our conventional stipulations, what are they? I will endeavor to show. At the Ghent treaty, in 1814, amongst other important national questions which were left unsettled, was our northwestern boundary. Shortly after that time, negotiations upon that subject were renewed, and continued up to the year 1818, without arriving at any satisfactory conclusion. On the 20th of October of that year, a convention for the joint use of the territory was concluded between the United States and Great Britain, to prevent difficulty and collision between the citizens and subjects of the two countries who might inhabit that country, until the question of title should be settled by their respective Governments; of which convention the third article is as follows:

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

This convention of joint use continued in force near ten years more of fruitless negotiation; when, on the 6th day of August, 1827, another conventional agreement was made by the negotiators of the two Governments. By the first article of the convention of 1827, the third article of the convention of 1818 was extended indefinitely. The second article provides that either of the contract-

ing parties can, at any time after the 20th of October, 1828, by giving the other party twelve months notice, annul and abrogate that convention.

The third article provides that nothing contained in this convention shall be so construed as in any manner to affect the claims that either party may have to any territory west of the Rocky Mountains. This convention settled no territorial rights of sovereignty or soil, but was a mere temporary expedient; leaving by its own terms the question of territorial limits and title in abeyance. Abrogate this convention, and in what situation do you place the rights of the United States in Oregon? Sir, we will then be restored to the enjoyment of our rights as they were on the 6th day of October, 1818, and on that day we had not only the right of property and the right of possession, but the actual possession. On the 14th day of February, 1818, it was admitted by Lord Castlereagh that we had a right to be reinstated in the possession of Astoria, and to be the party in possession while treating of the title, and for which purpose his written order was issued; which was duly executed by delivering to us the possession of Astoria and the Columbia on the 6th of October following. But unfortunately for American interest in Oregon, on the 20th of the same month this convention of joint use was made at London, without knowledge that Astoria had been surrendered, and by which Great Britain was allowed the joint use of all the country claimed by us west of the Rocky Mountains, together with the harbors, bays, creeks, and navigable rivers thereof. Had Great Britain any rivers, harbors, bays, creeks, or territory, there, for us to possess in common with her? No, sir. There was but one great river there, which drains all Oregon, and that is the Columbia. Great Britain admitted our right to the possession of that stream, and by her written order we obtained it fourteen days before this convention was signed. Great Britain had no harbors, bays, or creeks, in Oregon for us to enjoy in common with her. The convention, in its inception, was altogether one-sided. We gave all, and got nothing. Sir, I want this convention abrogated. I desire to be freed from its trammels, and that our country be restored to the rights she possessed before its adoption. What has been the practical effect of this convention? Why, sir, it has brought us nothing but the bitter fruits of disappointment. It drove our citizens from Oregon, and converted American soil into a British province. It gave to the Hudson's Bay Company the exclusive possession of Oregon, and the undisturbed enjoyment of its trade and commerce for a quarter of a century. It deprived us of the benefits of the restoration of Astoria under the treaty of Ghent. It rendered still more complicated our difficulties with England: it added new coloring to her pretensions, by lapse of time, and she now sets up against us that by it we admitted she had *rights* in that country. Sir, it has been the source of unmitigated evil to our interests in Oregon, and for a time destroyed all we had there, except our right to the country. These, sir, are the fruits of this convention and "*masterly inactivity*" for a quarter of a century.

Mr. Chairman, we have tried *masterly inactivity* long enough. We want no more of it. We now want a little *masterly activity*. Up to the year

1818, the greater part of the trade of that country was in the hands of American citizens; but the unprotected citizen, under the operations of this joint-use convention and the withering influence of *masterly inactivity*, was unable to withstand the encroachments of the Hudson's Bay Company, backed up and supported by the masterly activity of the British Government; and thus the exclusive possession and trade of the country fell into the hands of that company. Since 1837, our Government has turned its attention to Oregon. Our western pioneers, encouraged by the action of Government, commenced as early as 1839 to return to Oregon. As the measures of the Government progressed, the tide of emigration increased, until we now have in Oregon some seven thousand citizens, who have formed flourishing settlements at Willamette and Wallawalla, and claim our protection. We can grant them no adequate, permanent, or exclusive rights or homes, until this convention is abrogated. But, say gentlemen, if you give this notice, you will produce a war. That can afford no just cause of a war. It is a treaty stipulation, and we have a right to exercise it at all times, and so can Great Britain. But, say they, what will you do then? Why, sir, we will extend our laws and jurisdiction over our citizens in Oregon, and throw around them the shield and protection of the Government. Can Great Britain complain at this? Certainly not. What has she done for her Hudson's Bay Company? In 1669, King Charles II, of England, granted a charter to this company to trade on Hudson's Bay. This company increased in power and importance, and stretched itself across the northern region of this Continent. In 1819, by the influence of the British Parliament, the Northwest Company was united with, and now forms a part of, the Hudson's Bay Company. On the 21st day of December, 1821, by an act of Parliament, Great Britain granted to this Hudson's Bay Company the exclusive privilege of the trade and commerce of Oregon for twenty years, down even to the Mexican line, excepting from that grant only the right of American citizens to trade in common with that company, under the convention; and by the same act she extended her laws and jurisdiction over Oregon, established her judicial tribunals there with civil and criminal jurisdiction. In 1838, that privilege was continued for twenty-one years more. Yes, sir; British laws have been in full force in Oregon, ever since 1821, and are yet in full force there. True, they do not attempt to enforce their criminal laws against our citizens; but the Hudson Bay Company found other means just as effectual to drive our citizens out of the country. Sir, our citizens have now returned to Oregon, they demand our protection: and will we give it? Yes, sir, we will; but we will go no further with our law, whilst this convention exists, than Britain has gone. But, sir, two separate and independent sovereignties cannot long co-exist in peace in the same territory. Again, we are asked, will you establish your forts? I answer, yes. We will establish a cordon of block-houses and stockade forts, from the upper Missouri to the Rocky Mountains, for the protection of emigrants, granting prospective pre-emptions of lands to settle, at each fort, that provisions may be supplied;

and we will place there, our mounted riflemen, to protect them. Can Britain complain of this? No, sir. We are told she has now thirty forts in Oregon, upon which floats the banner of St. George. Should our citizens settle and improve the country, Britain cannot complain. She has made a settlement at Puget Sound, in latitude 47°, on the most inland arm of the sea, and which is destined to be one of the greatest commercial emporiums in that country. Sir, some gentlemen, who, but a few weeks since were as brave as Cæsar, when a certain other territorial question was pending, which has now been happily consummated, said to the helmsman of the ship of State, "*Ne times Cæsarem vehis*," and who were then ready and willing, not only to fight England and France, for their interference, but to fight "the world in arms," have by some unseen and mysterious influence, almost in the twinkling of an eye, become the converts to peace and the alarmists of power. A change has come over the spirit of their dream. Sir, for the last five weeks, at the opening of our session, every morning a British lion has been introduced into this Hall, to shake his gory locks in our faces, and awe us into submission. Shall we take counsel of our fears, and surrender at discretion? Sir, that beast, powerful as he may be, is not invincible. Had Samson taken counsel of his fears, he never would have met and slain *the beast*, and won and wore the prize of his achievement, or sipped honey from the prostrate carcass of this monster king of the forest.

Gentlemen have not stopped here with their pictures of terror. They have told us of the vast dominions of British possessions; that the sun never rises or sets upon her dominions; no matter in what clime, her banner floats in the breeze, and the peals of her drum greet the ear around the circle of the globe. They have counted her ships and numbered her cannon and her battalions of infantry. They have told us she holds the strong places on every continent, and the commanding islands on every sea; that Gibraltar, Malta, and the Dardanelles, are hers; St. Helena, Good Hope, the Indies and China, are her outposts; the Bermudas in the Atlantic, the Sandwich and Falkland Islands in the Pacific, were her resting places, within striking distance of our shores. That she encircles us on the north and east by the Canadas, New Brunswick, and Nova Scotia; and, to appease her rapacity for dominion, we are now to give her Oregon, and thus to shut ourselves out from the Pacific, and hem us in on the west. Are these the arguments of American statesmen, in an American Congress? No, sir, they are the arguments of fear. Yes, the very arguments the British Government desire to hear. Create alarm and division at home, and encourage her obstinately to press her pretensions: you accomplish for her what she cannot accomplish for herself. You hear no such arguments in her councils; her advocates and alarmists appear to be on this side the water. Sir, is it possible that that rock-girt speck of an "ocean isle," lashed by the waves of a northern sea, can hold the world in chains, and the nations of the east in fear and bondage! That she has power, will not be denied; but that she is invincible, cannot be admitted. The giant monster, clad

in his panoply of steel, was slain by the stripling shepherd boy. Sir, what mean these arguments of gentlemen? Do they tend to prove our title or disprove the claims of Britain? No, sir. Why, then, are they used? They are the echo, in words, of the same arguments by which the British Government intends to force her demands, by the promulgation of her military preparations. They are the arguments of *arms*, which silence the voice of reason and coerce submission to unjust and unfounded demands. Who ever knew Britain to negotiate on any important question, for centuries past, without first arming, and promulgating to the world that she was armed? History does not furnish an instance. Sir, how and by what means has she extended her dominions? In the very same manner and by the same means she now seeks to get Oregon. Some straggling smuggler, such as John Meares, or some marauding freebooter, as Drake, either by choice or accident, lands upon some unsettled shore; remains a short time for temporary purposes of trade or repairs; he takes possession of the country in the name of his sovereign. No matter who has discovered or explored the place before him, he returns to England with a long and false account of important discoveries. England wants the country; she makes a grant to some colony or corporation; if their intrusion be resisted by another nation, upon better title, England arms, and then proposes negotiation; but if her claim be too new and fragile at that time to bear investigation, or she is otherwise engaged, a final division of territory and adjustment of claims is waived for the present. Some diplomatic convention is proposed and agreed upon, by which Britain is kept in possession, and in which are artfully interwoven extensive terms and complicated conditions, to form the germs of future controversy. For, sir, it has become a maxim that Britain never makes a treaty without planting in it the seeds of its own dissolution. Time rolls on. Her claims, by time and circumstances, ripen into what she then calls treaty rights; she refuses to go back of her conventions, plants herself upon them, insists upon the execution of their terms as she construes them. If she cannot entirely monopolize the country, at some convenient time for her she renews negotiations to settle boundaries, proposes arbitrary and unfair lines as a compromise, without regard to the justice or injustice of the origin of her claims. If her demands be not yielded to, she arms, publishes in her gazettes that her fleets are equipped, her garrisons supplied, the regiments filled, and then shakes her trident at the world, and demands a categorical answer, and thus coerces negotiation, and she dictates the terms of the treaty, always being sure to have the lion's share. She now attempts to make that experiment upon us. Will we submit? She has planted herself upon the Nootka convention, and construes it in her own way, without ever looking to the entire want of any just claims to base it upon. In 1788, John Meares, a Portuguese smuggler, visits Nootka and builds a boat. In 1790 John Meares is changed into a British lieutenant, and his claims have grown into "tracts of land and houses." In 1815 this claim has ripened into a national right, and that too without either settlement or possession.

In 1845 it has grown into a joint right; a tenancy in common in an empire territory of nine hundred miles in extent, of which she now demands partition.

Sir, the possession of a large part of the British empire was acquired by the terror of her arms; and is held at this day by the same tenure; with her metals in cannon and in coin she frightens the timid and bribes the venal. Her long career of national aggression has justly entitled her to the appellation of "plunderer of nations and the robber of the world." Sir, I would not be so unwise as to underrate the power of her arms or the diplomacy of her Cabinet. I would carefully study the prowess of her achievements, the strength of her arms, the history of her aggressions, the principles of her policy, and the mode of its execution; but never, sir, no, never! while I had a country of my own, or a heart to love it, would I become the eulogist of her greatness, the pander of her interests, or the apologist of her crimes. No, sir; rather would I turn to the historic pages of our revolutionary sires, who achieved our independence and founded our institutions, and learn from them the price of our national freedom, and the true principles of policy to preserve them. Rather would I contemplate the glory of our achievements by land and sea in the war of 1812. Rather would I trace the growth of our power and the perfection of our policy from that time to the present, and carefully examine and compare our present strength with that of our adversary, and then calculate the chances of success. It is alike unwise to exalt or depreciate the power of your adversary, or vaingloriously to boast or cowardly to disparage your own.

Mr. Chairman, one passing remark. Should I ever be so unfortunate, either by choice, accident, or in obedience to the behest of some superior leader, as to find myself placed upon the anti-American side of any great national question, I trust I shall never seek extrication from that position by availing myself of the aid of any of that ephemeral spawn of venal scribblers, who infest every capitol and pollute every paper. But, sir, some gentlemen tell us this is a President-making question. I have but a single remark upon that subject. If any of the aspirants to the succession, or their friends, seek promotion to that high office by gambling

with the rights of their country, or the integrity of her soil, upon the political chessboard, they will find the waysides of the road to the *White House* strewn with dead politicians. The American people will never by their suffrages elevate any man to office, who would promote his own personal aggrandizement by abandoning or sacrificing the interests of his country. Sir, we are told that this is a western question, and that western men compose a war party. What advantage does the West gain by maintaining our rights in Oregon, more than the East? None, sir, none. Nay more, the eastern cities would be the largest gainers. When the means of communication and the channels of trade are opened up and established, connecting the Atlantic cities with those of the Pacific, and these commercial points are bound together by the ties of interest, of kindred, and of blood, will not the commercial men of the East have a much greater interest in Oregon than the agriculturists of the western valley?

Sir, the western people are a peaceable people; they desire no unjust war, no war of aggression. They full well know and appreciate the devastations and horrors of war, and also the blessings of peace. They rejoice in the maintenance of that peace; but, sir, it is not with the joy of fear. They would forbear long and endure much before they would destroy our peaceful relations with the world. But they will never consent to purchase that peace, dear as it may be, by a sacrifice of national honor or national interest.

Mr. Chairman, we say to those gentlemen, be just, and fear not; ascertain clearly the extent of our just rights in that country; demand no more, take no less; "ask nothing but what is clearly right, submit to nothing that is wrong." And we say further to them, that the friends of Oregon will never consent to barter one acre of its soil, nor one tree of its forests, to which we have a good title, for *cotton-bags or corn-laws, calico prints, cod-fish, or fancy stocks*. But should war come of this—should the sword once be drawn—I would advise my countrymen to throw away the scabbard, and never sheath that sword until the last bloody track of the British lion was blotted out from American soil, and his last talon cut loose from the continent. He is at best but an unwelcome and dangerous neighbor.

